AS TO THE ADMISSIBILITY OF

Application No. 13906/88
by Christel and Lennart ANDERBERG
against Sweden

The European Commission of Human Rights sitting in private on 29 June 1992, the following members being present:

MM. C.A. NØRGAARD, President
S. TRECHSEL
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
A. WEITZEL
J.-C. SOYER
H.G. SCHERMERS
H. DANELIUS
Sir Basil HALL
Mr. F. MARTINEZ
Mrs. J. LIDDY
MM. L. LOUCAIDES
J.-C. GEUS
M.P. PELLONPÄÄ
B. MARXER

Mr. H.C. KRÜGER, Secretary to the Commission

Having regard to Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 14 April 1988 by Christel and Lennart ANDERBERG against Sweden and registered on 2 June 1988 under file No. 13906/88;

Having regard to

- the report provided for in Rule 47 of the Rules of Procedure of the Commission;

- the observations submitted by the respondent Government on 12 June 1991 and the observations in reply submitted by the applicant on 28 August 1991;

Having deliberated;

Decides as follows:

THE FACTS

The applicants are Swedish citizens. Mrs. Anderberg is a public prosecutor born in 1943 and Mr. Anderberg is a managing director born in 1942. They reside at Säter.

The facts of the case, as submitted by the parties and apparent from the documents, may be summarised as follows.

Particular circumstances of the case

In 1985 a compulsory population and habitation census was carried out in Sweden, pursuant to the Act on the 1985 Population and Housing Census (lag 1984:531 om 1985 års folk- och bostadsräkning; hereinafter "the 1984 Census Act").

The population census concerned every person born in 1969 or earlier and resident in Sweden or otherwise obliged to be registered

in Sweden at the time to which the requested particulars referred. The following information was requested:

- the name and the personal identity number of the participant
- whether he had had a gainful employment for at least one hour during 4-10 November 1985 and, in the affirmative, what kind of employment
- the designation of the real property owned by him
- the parish where the real property was situated
- his address
- the name of the occupier of the dwelling.

The housing census concerned every permanent occupier of a dwelling in Sweden at the time to which the requested particulars referred. The following information was requested of persons born in 1969 or earlier and permanently resident in a dwelling:

- his name
- his personal identity number
- his position in the household.

As regards the position in the household the following options were available:

- "married or living together with somebody"
- "single or other inhabitant"
- "the child of somebody in the household".

Moreover, the participant was to state:

- the number of rooms in the habitation
- the form of tenure (upplåtelseform)
- whether the dwelling had a kitchen or a kitchenette
- whether it had a bathroom or a shower-room
- whether it had a toilet and whether there were one or more dwellings in the building.

Property particulars were to be submitted by those who, at the time to which the particulars referred, owned one or more dwelling-houses in Sweden. The following particulars were requested in respect of the real property:

- the county, municipality and parish where the property is situated
- the property designation
- the type of property (agricultural or other kind of property)
- the name and address of the owner
- the category of the owner (the State, municipality, municipal housing company, housing co-operative, private individual or other kind of owner).

The following particulars were requested in respect of the dwelling-house:

- the number of the building (byggnadsnummer)
- the housing type (dwelling house for one household, dwelling-house for two households, multi-dwelling house, some other kind of dwelling house)
- the number of housing units in the house
- the year of construction and the year of conversion
- the main source of heating and the type of fuel used
- the existence of a lift in multi-dwelling houses and dwelling houses other than those for one or two families.

The following particulars were requested in respect of a housing unit:

- the number of rooms
- the existence of a kitchen or kitchenette
- the name of the owner of the housing unit
- the number of the housing unit (lägenhetsnummer)
- if the housing unit was not let, the reason why.

Their names, personal identity numbers, address and county as well as the municipality and the parish in which the applicants were registered were already printed on the census form distributed to them.

The applicants refused to answer the questions in the form, stating that they were of a personal character.

The Central Office of Statistics (Statistiska centralbyrån, hereinafter "the COS") then twice requested the applicants to provide the information, but the applicants did not submit any further information.

At the request of the COS, the County Administrative Board (länsstyrelsen) of the County of Kopparberg on 2 June 1986 ordered the applicants, under penalty of a fine of 500 SEK each, to submit the information requested. This decision was not subject to appeal. The applicants refused to submit this information.

In the subsequent proceedings before the County Administrative Court (länsrätten) of the County of Kopparberg, instituted at the request of the COS, the applicants objected to the imposition of fines on the ground that the census violated the Constitution and the Convention. They alleged, inter alia, that the purposes of the census as stated in the 1984 Act were unclear and misleading and that it was enacted solely to enable such cross-processing of EDP-based files which would in fact be contrary to the Data Act (datalag 1973:289) and the opinion of the Data Inspection Board (datainspektionen).

On 30 September 1986 the Court ordered the fines to be paid, stating that it was not competent to examine the discretion exercised when imposing the fines.

The applicants appealed to the Administrative Court of Appeal (kammarrätten) of Sundsvall which on 27 January 1987 upheld the fines, stating, inter alia, that the imposition of the fines did not violate the law or any statute.

The applicants subsequently appealed to the Supreme Administrative Court (regeringsrätten) alleging, inter alia, that the 1984 Act was enacted because of the ideologic debate which started after it had become public that the authorities planned to cross-process existing EDP-based registers instead of keeping up the traditional census system, and that the census was carried out in order to give people the wrong impression that the only information to be used by the authorities was the information given in the census forms.

The applicants furthermore referred to a report by the Parliamentary Census Commission (folk- och bostadsräkningskommissionen; Report No. Ds C 1986:9, p. 39) according to which the Local Tax Authority of Stockholm in November 1985 had sent an inquiry to persons registered in the civic register as living on a real property, but who were not included in the property owners' lists of tenants. Reference was made to the 1985 census. The Census Commission found that the Local Tax Authority had distributed the inquiry on its own initiative without any consultations with the COS or the National Tax Board (riksskatteverket) and that it had incorrectly referred to the census, thus diminishing public confidence in the confidentiality and the safeguards with respect to the integrity as guaranteed in the census. The Census Commission moreover critisised the confusion which had been created between the normal checking of the civic registration and the checking which was carried out through the census.

The applicants finally alleged that the COS could not be considered to handle the information gathered by the census in confidence, as several private computer companies were commissioned by the COS to process the statistical material.

In an opinion of 16 February 1987 to the Chancellor of Justice (justitiekanslern) following press allegations of breach of the confidentiality rules governing the handling of the census information, the COS referred to its reply to the Census Commission in respect of the commissioning of private enterprises to process professional particulars: no release of information to those companies had taken place in breach of Chapter 1, Sections 5 and 6 of the Secrety Act. Thus, the companies had not been granted any right to dispose of the released material. However, following remarks by the Census Commission certain other extensive controls of the handling of the information by the companies commissioned by the COS had been carried out. These had resulted in "only minor remarks" subsequently followed up by the COS.

As regards press allegations that cross-processing of certain information in EDP files pertaining to census objectors had taken place the COS stated:

> "On 29 October 1986 the COS requested the Data Inspection Board to grant it permission to create an "unidentifiable register of the falling-off in the 1985 census" (avidentifierat register över bortfallet i FOB 85). The intention was to produce statistics of the approximately 55.000 persons who had not completed their census forms. The aim of these statistics was twofold. First, it is important to find out whether and, if so, how the falling-off affects the statistics produced on the basis of the census information. This is important from a methodological point of view, even if the falling-off is, seen at large, minor. Statistics of the above kind would make it possible to assess whether the falling-off as regards particulars pertaining to sex, age etc. is different from the particulars of those who did submit the information.
>
> Secondly, the COS intended to study statistically the composition of the falling-off, having regard to the guidelines provided by the COS, i.e. in order to find out whether fines had been imposed according to the intentions in the law and these guidelines. ...
>
> The COS intended to obtain information from the Register of the Total Population (registret över totalbefolkningen) regarding the 55.000 persons. The information was to be made immediately unidentifiable... No investigation of individual particulars was to take place. ...
>
> On 19 November 1986 the Census Commission recommended the COS not to carry out the processing. On 8 December 1986 the COS withdrew its request to the Data Inspection Board..."

On 15 October 1987 the Chancellor rendered a decision in which he examined, inter alia, the release of information to private data processing companies. He noted that these had been inspected beforehand so as to ensure "sufficient security as regards inter alia the sensitivity of the integrity and secrecy of the material"; that the Census Commission had not critisised the commissioning as such of private companies; but that security inspections had led to remarks that security measures be taken within the companies.

On 21 October 1987 the Supreme Administrative Court refused leave to appeal.

On 10 December 1987 the applicants paid the fines.

The census form stated inter alia the following:

" ... The information given on this form will be protected for 70 years, according to the 1980 Secrecy Act (sekretesslag 1980:100). Furthermore, the information is protected under the Data Act. The persons handling the forms at the municipal authorities and at the COS are obliged to observe secrecy. No unauthorised persons will have access to the information. The contents of the form have been decided after consultation with the Data Inspection Board.
...

The statistics collected in the 1985 census will primarily be used by municipal planning officers. The census is their only means to find out how many households there are in the different parts of the municipality, how many members of a household are working or how many children there are in the household. The information is necessary for the assessment of the extent of child care and the building of dwellings. Through the census statistics it can also be determined where those, who reside in a certain part of the municipality, are working. This improves the planning of public transport and travel facilities. The information on how our dwellings are being used will be used inter alia in order to improve the planning of our future energy supply.

The statistics on professions are of great importance for studies of inter alia the causality between diseases and work environment.

The 1985 census [information] will also be used in order to check the civic registration [information]. ..."

Relevant domestic law

a. The 1984 Act

According to Section 1 of the 1984 Act the purpose of the census was, on the one hand, to produce statistics for national planning, research and general information and, on the other hand, to update the civic registration data. According to the preparatory works (Bill no. 1983/84:85, p. 23) the enumeration was intended to be exhaustive.

Sections 5, 7 and 9 prescribed what particulars were to be requested in the census form. The reasons for requesting those particulars were stated in the travaux préparatoires (Bill pp. 24-27).

Under Section 14 the municipalities were to be responsible inter alia for the scrutinising of the collected information and for passing it on to the COS when complete. With this and for other purposes the municipality was to entrust a special census scrutinising body (granskningsorgan).

Section 16 authorised the chief census scrutinising officer or his deputy to request a census participant to submit census particulars within a certain period of time.

A person refusing to fill out and return the census form was to be formally reminded of this obligation (Section 17). A person persisting in his refusal following such a notification could be ordered to submit the information under penalty of a fixed fine of between 100 and 1.000 SEK. Such an order was to be issued by the County Administrative Board at the request of the COS or the chief census scrutinising officer. No appeal lay against the order (Section 19).

Questions regarding the liability to pay a fine were to be considered by the County Administrative Court at the request of the chief census scrutinising officer or the COS (Section 20).

Section 21 authorised the COS to obtain, for the purpose of carrying out the census, the following information from the below mentioned registers:

1. from the Register of the Total Population kept by the COS:

- the personal identity number
- the place of residence according to the parochial register (kyrkobokföringsort)
- the real property on which a person resided according to the parochial register (kyrkobokföringsfastighet)
- the address
- the relationship in the household (samhörighetsbeteckning)
- the marital status
- the nationality
- the country of birth and the most recent immigration year;

2. from the Register of Annual Income Statements (kontrolluppgiftsregistret) kept by the COS:

- the wage earner and employer
- the wages obtained from gainful employment and the period to which the emoluments related
- the amount of preliminary taxes paid
- the work place number (arbetsställenummer);

3. from the Register of Income and Wealth (inkomst- och förmögenhetsregistret) kept by the COS:

- the income;

4. from the Central Register of Enterprises (centrala företagsregistret) kept by the COS:

- the name and form of the enterprise
- the number of work places
- the name, number, size, sector affiliation (sektortillhörighet), location and business branch code (näringsgrenskod) of the work places;

5. from the Register of Key Code Areas (registret över nyckelkodområden) kept by the COS:

- the area affiliation of the real properties (fastigheters områdestillhörighet);

6. from the Property Taxation Registers (register över fastighetstaxeringen) kept by the County Administrative Boards:

- the affiliation of real properties to a densely populated area (fastigheters tätortstillhörighet);

7. from the Register kept by the Central Board of Real Property Data (registret vid centralnämnden för fastighetsdata)

- the coordinates of real properties;

8. from the Register kept by the Gothenburg Office for the Taxation of Sailors administered by the National Tax Board (registret vid riksskatteverkets sjömansskattekontor i Göteborg):

- the persons paying sailor's tax and employed on Swedish vessels.

Under Section 22 electronic data processing (hereinafter "EDP"), for the purposes stated in Section 1, of census information together with other particulars could only take place in accordance with a formal decision or with a permission granted in accordance with the 1973 Data Act (datalag 1973:89; hereinafter "the Data Act").

Under Section 23 the civic registration authorities could make use of census information in order to check information obtained through the civic registration. Such a check could, however, be carried out by means of EDP only in accordance with a formal decision or with a permission granted in accordance with the Data Act.

Both Sections 22 and 23 were to be applied in a restrictive way (Bill pp. 32-33).

According to Section 24 the provisions on confidentiality in the Secrecy Act applied.

b. The Secrecy Act

The protection under the Secrecy Act prevents documents from being released, and imposes a secrecy obligation on individuals handling the documents.

Under Chapter 9, Section 4 of the Secrecy Act, authorities involved in producing statistics are obliged to keep inter alia census information secret. There shall be no exception to this secrecy rule insofar as the information pertains to personal and economic circumstances attributable to an identifiable individual.

However, information regarding enterprises, deceased persons, information needed for research or pertaining to statistics on personnel and wages, and information in no way attributable to an individual may be released, provided this could clearly not harm anyone to which the information pertains or anyone closely related to such a person.

The decision to release information is made by the authority responsible for storing the information and may be appealed to an Administrative Court of Appeal and further to the Supreme Administrative Court.

Provided it is included in a public document information regarding personal circumstances shall be protected for seventy years and in all other cases for twenty years (Chapter 9, Section 4, para. 2).

Under Chapter 13, Sections 3 and 4, secret information which has been received by an authority as a result of its research or for filing purposes shall be kept secret by that authority.

Chapter 14, Section 8 authorises the Government to release information which should normally be kept secret, provided there are very strong reasons for the release. The provision is to be applied very restrictively (Bill No. 1979/80:2, part A, p. 346).

c. The Data Act

A personal file created from information collected in the 1985 census has to be processed in compliance with the 1984 Act and the Data Act.

In order to preclude the risk of undue encroachment upon privacy the Data Inspection Board may issue regulations to the extent this has not been done by Parliament or by the Government (Sections 6, 6a and

18).

Under Section 10 anyone may request an extract from the census file of information pertaining to himself.

If there is reason to believe that a personal particular in a personal file is incorrect the authority responsible for keeping the file shall immediately take reasonable measures in order to verify the correctness of the particular and, if necessary, correct or delete it from the file (Section 8 para. 1).

d. The Act on Fines

Under Section 9 of the 1985 Act on Fines (lag 1985:206 om viten) nobody shall be ordered to pay a previously fixed fine, if the purpose for which the fine was imposed has ceased to exist at the time when the court considers the matter. A fixed fine may be modified by the court provided there are special reasons for this, e.g. a change in the person's economic situation or if his failure to fulfil his obligation may be regarded as excusable. However, it is not for the court to assess the appropriateness of the order to fix the fine (Bill 1984/85:96, pp.55-56).

COMPLAINTS

The applicants complain that the fact that they were fined for not having completed the census forms violated their rights under Article 8 of the Convention.

The applicants complain that the main purpose of the 1984 Act was to enable the authorities to cross-process a large number of already existing EDP-based files. Thus, the census, having regard to its compulsory nature, was not necessary in a democratic society. They further object to the inclusion of their personal identity numbers in the census form. Moreover, the information gathered by the census was in no way handled in strict confidence. They conclude that the census amounted to an unjustified interference with their rights under Article 8 of the Convention.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 14 April 1988 and registered on 2 June 1988.

On 25 February 1991 the Commission decided that notice of the application should be given to the respondent Government and that the parties should be invited to submit written observations on the admissibility and merits of the application.

Following an extension of the time-limit the Government's observations were submitted on 12 June 1991. The applicants' observations in reply were submitted on 28 August 1991.

THE LAW

The applicants complain that the census violated their rights under Article 8 (Art. 8) of the Convention.

In particular, they object to the inclusion of their personal identity numbers in the census form. They submit that the main purpose of the 1984 Act was to enable the authorities to cross-process a large number of already existing EDP-based files, this not being necessary in a democratic society. Finally, the information gathered by the census was in no way handled in strict confidence.

Article 8 (Art. 8) of the Convention reads:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

The Government admit that the obligation to complete the census forms could be regarded as an interference with the applicants' rights under Article 8 (Art. 8) of the Convention.

The Commission considers that the applicants' obligation to participate in the census constituted an interference with their right to respect for their private and family life as guaranteed by Article 8 para. 1 (Art. 8-1) of the Convention (cf. No. 9702/82, Dec. 6.10.82, D.R. 30 p. 239).

Consequently, it must be examined whether the interference was justified under the terms of Article 8 para. 2 (Art. 8-2) of the Convention. In order to be justified under this provision an interference must satisfy three conditions: it must be "in accordance with the law"; it must pursue one of the aims enumerated in Article 8 para. 2 (Art. 8-2); and it must be "necessary in a democratic society" for one or more of those aims (see e.g. Eur. Court H.R., Margareta and Roger Andersson judgment of 25 February 1992, para. 73, to be published in Series A no. 226).

The Commission notes that there is no dispute between the parties as regards the lawfulness of the interference.

As to the question whether the interference pursued a legitimate aim the Government submit that the census was carried out for much the same purpose as the 1981 census in the United Kingdom, which was the subject of Application No. 9702/82 (loc.cit.), that is in the interests of the economic well-being of the country. The questions concerning housing particulars had the further aim of protecting health, as it supplied the authorities with information on the general housing and sanitary standard of Swedish homes. Such information was needed for the proper assessment of factors likely to have an impact on the public health, this being a legitimate aim for the protection of health. Moreover, nothing in the case suggests that the obligation imposed on the applicants to pay fines and the subsequent imposition of those fines did not seek to achieve the same purposes as those of the 1984 Act and, thus, the aforementioned aims under Article 8 para. 2 (Art. 8-2) of the Convention.

The applicants contend that the census pursued no legitimate aim under Article 8 para. 2 (Art. 8-2) of the Convention, as all relevant information already existed in EDP registers kept by the authorities. For example, information regarding the housing situation could be found in the fiscal register of real properties. Furthermore, the County of Stockholm has discontinued its processing of information obtained in the 1990 census, considering that all information needed was already available.

The Commission notes that censuses are common in the member States of the Council of Europe. The object of such censuses is usually to establish accurate statistical information about the population and its housing conditions, this being in the interests of the economic

well-being of the country (cf. No. 9702/82, loc.cit.).

In the Commission's view there is, in the present case, no substantiation of the applicants' allegation that their obligation to participate in the 1985 census aimed at pursuing any aims other than the economic well-being of Sweden and the protection of health. These are both legitimate aims under Article 8 para. 2 (Art. 8-2) of the Convention.

As regards the question whether the interference was "necessary in a democratic society" the Government refer to the purposes of the census as stated in Section 1 of the 1984 Act. The census material is being used for planning and research, the latter term encompassing different kinds of research, e.g. medical research and research needed to further the techniques used in social planning and medical research. For instance, the census material and the possibility under the 1984 Act to extract information from certain existing EDP files provides researchers in the field of social medicine with an opportunity to increase their knowledge of possible explanations of work injuries and causes of death.

One of the purposes behind the 1985 census being medical research the census material has to remain attributable to individual participants by means of their personal identity numbers. This number had frequently been used as an identifying key (sökbegrepp) for EDP-based personal files and as a linking key (kopplingsnyckel) in the matching or cross-processing (samkörning) of personal files. Thus, by means of the personal identity number, researchers, for instance in the field of social medicine, may benefit from the information in as many ways as possible. For the same reasons the information will remain identifiable, even though the 1985 census file is now stored in the National Archives. However, the Secrecy and Data Acts, in particular Chapter 9, Section 4 of the Secrecy Act, have prevented and continue to prevent misuse of the census information.

The Government also refer to the decision of the Chancellor of Justice of 15 October 1987 in which he found that the COS had complied with the Secrecy Act when collecting and processing the census information.

The Government further refer to Application No. 10473/83 (Dec. 11.12.85, D.R. 45 p. 121), in which the Commission found that there is no provision in the Convention which as such expressly or implicitly prohibits the use of personal identity numbers.

The Government finally refer to Application No. 9702/82 (loc.cit.), in which the Commission noted that the integrity of members of the same family or household was provided for in the census. Similar rules applied in the 1985 census.

The Government conclude that, having regard to the State's margin of appreciation, the interference with the applicant's rights under Article 8 (Art. 8) of the Convention answered a "pressing social need" and must be considered "necessary in a democratic society".

The applicants contend that the census was not necessary in a democratic society and there was no reasonable relationship between the means employed and the aims pursued. According to expert statements a mere random sample procedure could pursue the aims referred to by the Government at a much lower cost and without violating the personal integrity of the individuals, provided the intentions of the census were really those argued by the Government. Moreover, the volume of the census information was so considerable that it rendered the processing of it lengthy and the results inaccurate.

As regards the inclusion of the personal identity number in the census form the applicants refer to Application No. 9702/82 (loc.cit.),

in which the census information was not attributable to an individual respondent. In the present case, however, the personal identity numbers were admittedly being used by authorities for the purpose of identifying EDP-based personal files and for the matching and cross-processing of such files.

The applicants submit that the issue in the present case is not the use of personal identity numbers as such, but the particular use of such numbers in the cross-processing of personal data collected in the census.

The applicants contend that the information was not handled in strict confidence and refer to the findings of the Census Commission. They further note the Government's statement that the problem regarding the confidentiality has not been satisfactorily solved (Bill No. 1983/84:85, p. 20).

The applicants conclude that the census was only a pretext for a complete map-making of every Swedish individual with the help of the EDP technique.

The Commission recalls that the word "necessary" requires that the interference corresponds to a "pressing social need" and, in particular, is proportionate to the aim or aims pursued (see e.g. Eur. Court H.R., Moustaquim judgment of 18 February 1991, Series A no. 193 p. 19, para. 43). The Commission must determine whether the reasons adduced to justify the interference are "relevant and sufficient". Regard must further be had to the Contracting State's margin of appreciation (Eur. Court H.R., Olsson judgment of 24 March 1988, Series A no. 130, pp. 31-32, paras. 67-68).

In the present case the Commission must decide whether the particular operation of the 1985 census and, in particular, the requirement of compulsory completion, backed up by sanctions, can be regarded as "necessary in a democratic society" to achieve the aforementioned legitimate aims (cf. No. 9702/82, loc.cit.).

The Commission first notes that the completed census forms are to be treated with confidentiality. This is evident from the terms of the form, which states that the information will be protected under the Secrecy and Data Acts.

Moreover, the census provided for the possibility that any person born in 1969 or earlier could complete a separate form from that completed by other members of the household, if he wished the information to remain confidential from those other persons.

However, as to the other features of the census, it differs from the one carried out in the United Kingdom which was the subject of Application No. 9702/82 (loc.cit.). In that case the names and the addresses of the participants were not included in the census computer. Thus, the particulars submitted by an individual participant in the census were not attributable to him. Moreover, after the census the questionnaires were locked away for 100 years before they are to be passed on to the Public Record Office.

In the present case the census information was admittedly attributable to individual participants at least by means of their personal identity numbers. Although subsequently the census information has been stored in the National Archives it will remain to be attributable and may be released, without limitation in time, in accordance with the Secrecy Act and the Data Act.

The Government have argued that the 1985 census was carried out in the interests of the economic well-being of Sweden and the protection of health and that it answered "a pressing social need". In particular, the attribution of the census information to individual

participants was and continues to be necessary for medical research purposes. The Government have finally referred to the margin of appreciation of the Contracting States under Article 8 (Art. 8) of the Convention.

In the Commission's view regard must first be had to the nature of the census particulars. It cannot find that these were of such sensitive character that their storing and attribution to individual participants could warrant the conclusion that the census, in the way in which it was operated, was not necessary in a democratic society. This remains so even taking into account the COS's possibility to extract certain particulars from other registers mentioned in the 1984 Act. In any case, the applicants have not shown in what way they have been affected by any of the above-mentioned measures. There is no indication that the alleged fiscal control carried out, with the help of census information, in the area of Stockholm concerned the applicants.

In these circumstances and having regard to the State's margin of appreciation the Commission finds that the particular operation of the 1985 census could be regarded as necessary in a democratic society for the aims argued by the Government.

It follows that the application is manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission, by a majority,

DECLARES THE APPLICATION INADMISSIBLE.

Secretary to the Commission — President of the Commission

(H.C. KRÜGER) — (C.A. NØRGAARD)